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in such places. There is little grass, but in its place you find rich beds of heather interspersed with ferns and fruit-bearing plants. At every step the scene is found to change: here a charming vista conducting the eye through checkered patches of sunlight into the solemn gloom of the forest or perhaps a glimpse of purple distance; there a broad, sunny lawn with its tufts of heather and dwarfed evergreens, or else vast masses of rocks thrown together in the wildest confusion, with foot-paths invitingly leading among their recesses. In short, it is a sort of little Paradise, especially ordered and devised for the study and delectation of painters and all lovers of the picturesque,—and this is the reason why I find it so pleasant and profitable to be there.”

THE CRAYON.

NEW YORK, JULY, 1861.

Sketchings.

A STATUE IN COURT.

THOM's statue of Washington has had a legal life, as well as a life political and artistic. It has contributed to Law as well as to Art.

In the case of Snedeker against Warring, the New York Court of Appeals had that statue before it: not bodily, but as corporations and infants are said to be before a court, that is, by a learned representative. That case presented the curious and important question, whether the statue was real or personal estate. The two litigant parties claimed it adversely; the one, who had purchased the farm on which it stood, claimed the statue as a part of the land, like stone gate-posts or a flagging pavement; the other, who had purchased all the personal estate on the premises, claimed the statue as part of his goods and chattels, like a perch of quarried stone.

It was a rare beauty of the case that there was no dispute about the facts, and nothing to prevent the court from going profoundly into the law.

The sculptor had a farm, upon which he erected “a dwelling-house of red stone, in the Gothic style, and at the same time prepared a base in the lawn and placed upon it a colossal statue of Washington.” “The statue with its pedestal was made from a single block of red stone, similar in color to the stone of which the house was erected, and it weighed between three and four tons.” [Report of the case.] A mound of earth was raised, and upon it there was a base made of square blocks of the same sort of stone, not clamped or cemented together, and upon such base the statue with its pedestal stood by its own weight. It had stood there undisturbed for six or seven years, and it seemed, from the testimony of Mr. Thom, that it had been for sale all that time, and had been placed there “to remain there only until he should be able to make sale of it.” Under these circumstances, the court decided that the statue was a part of the farm, and passed by a deed of the land, and that the purchaser of the personal property could not hold it.

Learned judges differed on this question, but a majority placed the statue in the same category with stone fences and cellar walls. There was a fine display of Roman law, in citations from the Pandects, Corpus Juris Civilis, Labeo and Kreigel, and of the French Law, from the Code Napoleon, Pothier and Ledru Rollin. The following passage in the prevailing opinion is a sample of the judicial animation excited by the cause:

“It is said the statues and sphinxes of colossal size, which adorn the avenue leading to the temple of Karnac, at Thebes, are secured on their solid foundations only by their own weight. Yet that has been found sufficient to preserve many of them undisturbed for four thousand years (*Taylor's Africa*, 113 *et seq.*); and if a traveller should purchase from Mehemet Ali the land on which these interesting ruins rest, it would seem quite absurd to hold that the deed did not cover the statues still standing, and to claim that they were the still unadministered personal assets of the Ptolemies, after an annexation of such long duration. No legal distinction can be made between the sphinxes of Thebes and the statue of Thom. Both were erected for ornament, and the latter was as colossal in size and as firmly annexed to the land as the former, and by the same means.”

“I apprehend the question, whether the pyramids of Egypt or Cleopatra's Needle are real or personal property, does not depend on the result of an inquiry by the antiquarian whether they were originally made to adhere to their foundations with wafers, or sealing wax, or a handful of cement. It seems to me puerile to make the title to depend upon the use of such or of any other adhesive substances, when the weight of the erection is a much stronger guaranty of permanence.”

One of the judges who dissented from the majority, stoutly supported himself with authorities from the English Law, and also cited some quite apposite principles from the Roman and French Law. He thus concludes:

“Under the provisions of the Code Napoleon, the articles in question would be regarded as personalty: ‘All movables which the owner of an estate has annexed to it permanently are immovables by destination.’ The owner is deemed to have attached permanently to his estate movable effects, where they are fastened to it by plaster, lime or cement, or when they cannot be detached without being broken or injured or without breaking or injuring that to which they are attached. As to statues, they are movables when they are placed in a niche made expressly to receive them, although they may be removed without fracture or injury (§§ 524, 525). Commenting on these provisions, Toullier says (1 *Droit Civil Français*, 12): ‘Whence it follows that those which have been placed upon pedestals in houses, courts and gardens, preserve the qualities of movables.’”

Notwithstanding this good reasoning, the court, by a majority of voices, pronounced the statue to be real estate, a part and parcel of the farm!

Subsequent events have shown how entirely personal property and a movable thing this statue really was. The litigation was hardly ended before the statue left

its pedestal, and, unlike the sphinxes and pyramids, started on its travels. Statue and pedestal went to the metropolis, and took up a position at the centre of the Park. The ignorant multitude did not instantly recognize its features, but a discriminating city government repelled the idea of an effigy of the late Chief Engineer of the Fire Department, and installed the work as a statue of the Father of his Country. Avoiding the indecorous jokes of which this piece of sculpture has been the occasion, it must be admitted that it faces the City Hall with an intelligent countenance, and bears an expression of far greater serenity and benignity than most living humans could sustain in the presence of the very scene of their judicial and political trials. Its whole aspect now is personal, and it seems almost to smile at the wisdom of judges who deemed it as no more than a part of a stony farm in Rockland County to be sold by the acre.

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DOMESTIC ART GOSSIP.

NEW YORK.—Among recent works of art kept from public view by the present political crisis is Mr. Huntingdon's great historical picture of Mrs. Washington's Reception. We believe this work is to be exhibited as soon as order is restored, and the regular forces of civilization again in healthy operation. The picture is a striking, effective composition, and one which we are confident will attract public admiration to a greater degree than any national painting produced here of late years.

Gifford has ready for reproduction, on a large scale, several studies of scenery and picturesque groupings, connected with military events at Washington.

CHICAGO.—Our friend Volk got into trouble one day, and like a true artist, got out of it again, judging by the following story, abridged from the Chicago Tribune.

A few days since, our well esteemed young townsmen and artist, Leo. W. Volk, Esq., was crossing a public thoroughfare; he was confronted by an image man, who bore upon his shoulder and offered for sale a bust of the President of these United States. A single glance told Volk that the bit of sculpture was a melancholy travestie of one of his own bantlings. There was the same face, head and neck whose faithful outline has made Volk's "Lincoln" a national and historical piece, pieced on the shoulders and chest of—Henry Clay, a bit of dishonest journey-work, achieved to avoid infringement on Mr. Volk's well-earned patent. This was a little too much to bear. The artist inquired of the vender, with an air of interest, where these busts were made, and the scion of sunny Italy lost no time in telling him. Down went Volk into a little basement shop as directed, and there, sure enough, found two more illustrious importations from the land of the olive and the vine, hard at work President-making. Quoth Volk, "Are you aware you are using my property without my leave?" The noble Romans found it convenient not to understand English, but Volk had 'em there, thanks to his residence abroad. After a parley, the operators in plaster of Paris succumbed, and promised to desist and break their molds.

"Let me see you do it right off," said Volk, in Romanese.

"Wait for a day or two," rejoined the emigrants, in Italian.

Mr. Volk knew "white man mighty uncertain," and had no reason to doubt but that to-morrow night might see the mold and bust for operations in a new field. He determined on a decided *stroke* of policy, and took up a huge mallet.

"When you break this mold and these busts I advise you to do it so (*whack*), and so (*whack*) and so (*whack*) and so (*whack*)."

The plaster flew, the mold was a shapeless mass, the row of busts were sadly short of noses, chins, heads; sublime ruin reigned when Volk laid down the mallet. The gentlemen from the region of the Tiber pulled foot for a magistrate, and represented their grievances as viewed from their standpoint. The presence of Mr. Volk was duly commanded, and then and there, in court, a hearing was had before a jury, who found a verdict against Volk for *six and a quarter cents*, that being deemed, probably, a fair reward for the use of the mallet, with which Mr. Volk committed trespass, in using it without leave.

OBITUARY.

BENJAMIN PAUL AKERS.—In the decease, on the 21st of May last, of Benjamin Paul Akers, we have to mourn the loss of one of our most promising sculptors. Mr. Akers has gone in the prime of his years. We learn by the Portland Transcript, that he was born in the village of Saccarappa, Westbrook Township, in the State of Maine, and was in his thirty-fifth year at the time of his death. The career of Akers as a sculptor, was, like that of most American youth, determined by chance. He first entered a cutlery establishment, and afterward worked at type-setting, and finally, through a glimpse of a piece of statuary in a shop window, began to make experiments in modelling, the success of which fixed his occupation for life. Akers received his first lessons in sculpture from Brackett, and subsequently opened a studio in Portland, in 1849, encouraged by John Neal, Esq., to whose liberality and taste he was much indebted. Here he modelled several portrait busts, among them one of the poet Longfellow. Akers soon went to Italy, returning home after a short sojourn there, his ideal aspirations greatly quickened by the art of antiquity, the study of which always arouses and expands a finely organized mind. His first ideal work seems to have been a statue called "Benjamin in Egypt." During subsequent visits to Italy, he planned and produced other works of the same order, one of which, "The Dead Pearl Diver," may be mentioned as undoubtedly the finest effort of his genius. In addition to these works, he made in Italy several copies of antique statues, which, with occasional portrait busts, constitute the fruit of his labor. A statue of Commodore Perry for the Central Park was to have been his next important work.

Besides his qualifications as a sculptor, Akers possessed fine powers as a writer. Owing, perhaps, to lack of order in his mental culture, his thought often

wandered into transcendental subtleties; but if sometimes vague it never wandered from a pure and refined standard of feeling. The best evidence of it, and one which makes his written thought always clear, stands before the world in the works of his chisel. In these we find the true sign and seal of his covenant with nature.

All honor be to him as one of the noblest among his brethren. Whoever contemplates his statue of the Dead Pearl Diver, will wonder if he did not anticipate and embody in this beautiful creation the sentiment of his own short life and the efforts he made to enrich the world with gems of beauty.

Literary Record.

THE SECOND ANNUAL REPORT of the Trustees of the Cooper Union for the advancement of Science and Art.

The portion of this report devoted to art-matters is instructive. Our instruction is derived chiefly from a table showing the occupations of those who attend the Union's Drawing classes, which consist of three branches, viz.: Architectural, Mechanical and Free-hand Drawing. It may be taken for granted that the classes consist mostly of apprentices and journeymen, the ages of most of the pupils ranging from 20 to 30 years. We find that the class in Mechanical Drawing, in charge of Prof. J. W. Sill and Mr. F. L. Vinton, numbers 170, of which there are 74 machinists, 15 pattern makers, 6 carpenters, 5 moulders, and from 1 to 5 each of 37 other trades and occupations. The Architectural Drawing class, in charge of Messrs. Clarence Cook and F. J. M. Derrick, numbers 144, of which there are 62 carpenters, 6 painters, 9 masons, and a similar ratio of other occupations as that of the class in Mechanical Drawing. The Free-hand Drawing class, in charge of Mr. C. Herzberg, numbers 139, of which there are 8 jewellers, 11 painters, 24 engravers, 22 carvers and sculptors, 14 marble workers, 8 painters, etc., the rest apportioned as in the two previous classes. These figures speak significantly. They augur well for employers of mechanics, both "bosses" and bosses' clients, and especially for the latter. Whoever has been victimized by tasteless journeymen and inattentive foremen or master builders, either when building houses or when employing them to do repairs, will read in the above figures a gratifying and long desired result. They show that our mechanics are nourishing themselves at one of the sources of art, that they are studying the first principles of their occupation, and not confining themselves to its dull drudgery. Carpenters, masons, painters and carvers are learning that each must not plane, plaster, daub and cut to suit his own unthinking caprice, but to work with a perception of his special function in relation to that of his fellow-craftsmen, and to study the beauty of a whole instead of indifferently plodding over a detail. The Cooper Union is doing silent but most effective service in this way. A few years more and it will not be a difficult matter for a lady to find journeymen capable of arranging a pantry to suit her, and her

lord a library without being obliged to stand over and direct the placing of a chisel or the application of a paint brush. There will be journeymen able not only to do what is wanted satisfactorily, but to improve on suggestions, and in such a way as to receive smiles for their taste at the same time that they receive dollars for their manual labor.

Another report of the Cooper Union we have to mention, but one not recorded in this pamphlet, is the annual exhibition of drawings which took place at the rooms of the School of Design for Women on the 22d of May last. The exhibition, consisting mainly of copies from paintings and original crayon drawings from plaster casts with a few portraits in the same style, shows good results according to the system of instruction pursued during the past year. The department of Wood-engraving is equally encouraging. The School of Design for Women has enjoyed the benefit of the artistic skill and knowledge of Mrs. Henry M. Field as principal, and Mr. John W. Ehninger, instructor in the department of Figures, and Mr. Jervis McEntee in Landscape.

AN INTRODUCTION TO THE STUDY OF GOTHIC ARCHITECTURE.

By John Henry Parker, F.S.A. Oxford and London, J. H. & Jas. Parker; New York, Scribner & Co. 12mo., pp. 261.

We commend this little work to our readers. It is by a prominent writer and lecturer on Architecture in England, and is intended for beginners, and therefore for our countrymen, who are essentially beginners in everything that relates to the refinements of civilization. This book gives a concise and clear history of Gothic Architecture, without pedantry or aim to establish pet theories. What is most valuable to readers here, who have no standard architectural monuments to refer to, is that it contains a series of valuable wood-cuts representing all the important details of Gothic architecture in each branch of the style, added to which is a glossarial index explaining technical terms, etc. Reading about architecture and about art, in general is all very well, but it is of little service unless our reading be connected with signs and symbols with which to fix our ideas. Enlightened as we are, and transcendental as we would be, we are not yet in art emancipated from the hieroglyphic element of culture. The wood-cuts that abound in this book provide for this condition of instruction in better taste, and, in their arrangement, to better effect than any manual we know of. People will soon learn in this treatise to distinguish Norman, Decorative, Perpendicular and Flamboyant characteristics from each other, and to be familiar with their leading ornamental and constructive features. They will be able also to detect in our structures, as they walk our streets, the charlatany of the architectural impostors who flourish here, to say nothing of the incapacity of building-committees. As our people have now got to come down from the acme of prosperity to study the spelling-book of political principles, we trust they will study spelling-books of other and equally important branches of human intelligence, and among these we earnestly recommend Mr. Parker's excellent volume.